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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,304	12/21/2001	Robert Skog	040010-938	3315

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ERICSSON INC.
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EXAMINER

RAMPURIA, SHARAD K

ART UNIT	PAPER NUMBER
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2683

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,304

Applicant(s)

SKOG ET AL

Examiner

Sharad Rampuria

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2002.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 and 31-40 is/are pending in the application.
4a) Of the above claim(s) 1-10 and 21-30 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 11-20 and 31-40 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

1. Applicant's arguments with respect to claims 11-20 and 31-40 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1-10 and 21-30 are cancelled.

DETAILED ACTION

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 11-14, 17, 31-34, & 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevanto et al. [US 6848008] (hereinafter Sevanto) in view of Muhonen. [WO 99/66746] (hereinafter Muhonen).

Regarding Claim 11, Sevanto disclosed a method of sending a multimedia message from a sender having an associated sender's server to a mobile device having an associated server serving the mobile device, wherein said sender's server is connected to the server serving the mobile device (abstract) said method comprising the steps of;

 sending a multimedia message from the sender to the sender's server said multimedia message including an identification number for the mobile device; (Col.7; 9-42 and Col.9; 28-59)

 sending a notification from the sender's server to the mobile device utilizing the mobile device identification number, wherein the notification includes a network address of the sender's server and indicates that the multimedia message is available for retrieval from the sender's server (Col.7; 9-42 and Col.9; 28-59)

Sevanto fails to disclose the address of the server. However, Muhonen teaches in an analogous art, that in response to receipt of the notification, sending from the mobile device to the server serving the mobile device, a request to retrieve the multimedia message from the sender's server wherein the request includes the network address of the sender's server; retrieving the multimedia message from the sender's server, through the network by the server serving the mobile device; (Pg.12; lines 21-30)

retrieving by the mobile device, the multimedia message from the server serving the mobile device; and storing the multimedia message in the mobile device. (Pg.13; lines 25-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the address of the server in order to provide one or more service preferences for the mobile phone from a simulated mobile phone display on an internet web page.

Regarding Claim 31, Sevanto disclosed a system for sending a multimedia message from a sender having an associated sender's server to a destination mobile device having an associated server serving the mobile device, wherein said sender's server is connected to the server serving the mobile device (abstract) the system comprising:

in the sender's server, logic configured to; (Col.8; 48-67)

initially receive the multimedia message from the sender, said multimedia message including an identification number for the destination mobile device; (Col.7; 9-42 and Col.9; 28-59) and send a notification of the multimedia message to the mobile device utilizing the mobile device identification number, wherein the notification includes network address of the sender's server and indicates that a multimedia message is available for retrieval from the sender's server; (Col.7; 9-42 and Col.9; 28-59)

Sevanto fails to disclose the address of the server. However, Muhonen teaches in an analogous art, that in the mobile device, logic configured to send a request to the server the mobile device in response to receipt of the notification, wherein the request include: the network address of the sender's server: (Pg.12; lines 21-30)

in the server serving the mobile device, logic configured to retrieve the multimedia message from the sender's server through the network; (Pg.13; lines 25-33) and in the mobile device, logic configured to: retrieve the multimedia message from the server serving the mobile device; and store the multimedia message in the mobile device. (Pg.13; lines 25-33) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the address of the server in order to provide one or more service preferences for the mobile phone from a simulated mobile phone display on an internet web page.

Regarding Claims 12, & 32 Sevanto disclose The method of claims 11, & 31 respectively wherein the mobile device is a mobile telephone. (MS1; fig.3, Col.7; 4-8)

Regarding Claims 13, & 33 Sevanto disclose The method of claims 11, & 31 respectively further comprising: sending the multimedia message to the server (MMSC; fig.3) from a second mobile device. (MS2; fig.3, Col.7; 4-8)

Regarding Claims 14, & 34 Sevanto disclose The method of Claims 13, & 33 respectively, wherein the mobile device and the second mobile device are mobile telephones. (MS2; fig.3, Col.7; 4-8)

Regarding Claims 17, & 37 Sevanto disclose The method of claims 11, & 31 respectively, wherein the server is a MMS server. (MMSC; fig.5a, Col.8; 48-67)

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Claims 15-16, & 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevanto & Muhonen, further in view of Rueger et al. [US 2003/0018806] (hereinafter Rueger).

Regarding Claims 15, & 35 The above combination disclose all the particulars of the claim except the mobile telephones are in a same or different PLMNs addressed with MSISDN. However, Rueger teaches in an analogous art, that The method of claims 14, & 34 respectively wherein the mobile telephones are in a same or different PLMNs addressed with MSISDN. (pg.3; 0042) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the mobile telephones are in a same or different PLMNs addressed with MSISDN in order to provide a message server for handling messages that can easily operated and integrated into different telecommunication networks.

Regarding Claims 16, & 36 The above combination disclose all the particulars of the claim except sending the notification using SMS as bearer and addressed to the mobile device's MSISDN number. However, Rueger teaches in an analogous art, that The method of claims 11, & 31 respectively further comprising: sending the notification using SMS as bearer and addressed to the mobile device's MSISDN number. (pg.3; 0067) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include sending the notification using SMS as bearer and addressed to the mobile device's MSISDN number in order to provide a message server for handling

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messages that can easily operated and integrated into different telecommunication networks.

↔

Claims 18, & 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevanto & Muhonen, further in view of Okada et al. [US 6463134] (hereinafter Okada).

Regarding Claims 18, & 38 the above combination disclose all the particulars of the claim except the notification includes a WAP Push. However, Okada teaches in an analogous art, that The method of claims 17, & 37 respectively further comprising: sending a notification from the MMS server to a PAP server (20; fig.1; col.16; 12-15); and sending the notification from the PAP server to the mobile device, wherein the notification includes a WAP Push. (col.17; 13-24) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include the notification includes a WAP Push in order to provide an easy response system that can operate in different protocols.

Claims 19-20, & 39-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sevanto, Muhonen, & Okada further in view of Daly et al. [US 6393014] (hereinafter Daly).

Regarding Claims 19, & 39 the above combination disclose all the particulars of the claim except sending an HTTP GET request from the mobile device. However, Daly teaches in an analogous art, that The method of claims 18, & 38 further comprising

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sending an HTTP GET request from the mobile device to the server serving the mobile device in order to automatically retrieve the multimedia message. (col.3; 26-31)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to include sending an HTTP GET request from the mobile device in order to enhance a user's capability of communicating with an internet network using hand-held device.

Regarding Claims 20, & 40 Sevanto disclose The method of claims 18, & 38 further comprising sending the multimedia message from another mobile device to the MMS server. (MS2; fig.3, Col.7; 4-8)

Conclusion

3. ***Applicant's arguments filed on 10/19/2004 have been considered but they are not persuasive.***

Applicant respectfully disagrees about the cited passage in the given references. However, the determination of obviousness is still based upon the Muhonen references as follows.

Muhenen discloses a multimedia message service center (MMSC) serving an MS. The MMSC sends an SMS notification message to the MS informing the MS that a multimedia message for the MS has been received in the MMSC. The MS then retrieves the message from the MMSC. (see Pg.13; lines 25-33)

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Further, Sevanto et al. disclosed the methodology for sending the multimedia message to the sewer serving the mobile device when the message originates from a sender that is served by a different server by utilizing the MSISDN of the mobile device, but not the IP address (see in Col.9; 28-59).

For the above reasons, it is believed that the rejections should be sustained.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is 703-308-4736. The examiner can normally be reached on Mon-Thu.(8-5:30) alternate Fri.(8-4:30).


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or EBC@uspto.gov.

Sharad Rampuria
Examiner
Art Unit 2683

9 February 2005


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